

*Fouquet (C. L. A.) Count de Belle Isle*

THE  
ARRREST  
OF

Marshal *Belleisle,*

*Fouquet*  
In the Territories of HANOVER,

Considered as a Violation of the Laws and Customs of *Germany*, an Indignity to the Emperor and Empire, and an Arrogation of *Sovereignty*, unknown and unacknowledged in the Empire, but in the Emperor only; and likewise Considerations on an *Attempt of the Regency of Hanover*, to confound their Government with the *British*, by suggesting, in their Answer to Count *Bunau's* Memorial by Order of the Emperor, that the *Electorate was at War with France*, in Consequence of His Majesty's Declaration, as King of Great Britain.

To which is annexed,

An APPENDIX;

Containing,

My Lord *Carteret*, General *Wade*, the *English* Commissioners for Sick and Wounded, Marshal *de Noailles*, and Monsieur *de Givry's* Letters for confirming and renewing the *Cartel* between *England* and *France*.

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Translated from the ORIGINAL, lately publish'd in  
*Holland*, and to be seen at the Publisher's.

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# THE A R R E S T OF Marshall Bellefleur

In the Territories of HAWAII

Considered as a Violation of the Laws and Customs  
of Germany, as testified to the Emperor and Empress,  
and an Attestation of the Emperor and Empress,  
acknowledged in the Emperor's Order, but in the Emperor's  
only; and likewise considered as an Attestation of the  
Emperor's Order, in their Answer to  
with the Emperor's Order, by the Emperor's Order,  
Count Rumford's Memorial, by Order of the Emperor,  
that the Emperor's Order, in the Emperor's Order,  
Memorial of the Emperor's Order, in the Emperor's Order,  
Britain.



An APPENDIX

Containing  
My Lord Cayenne, General R. and the British Com-  
missioners for Sick and Wounded, French, British, and  
Monkish & Gory's Letter for continuing and restoring the  
Court between England and France.

Translated from the ORIGINAL, lately published in  
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LONDON

Printed by M. Cooper, at the Church in Paris.

1794.

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T H E  
P R E F A C E:

**H**OW long shall the Detention of Marshal Belleisle, which had administred so great Joy to many for several Months, continue the Subject of the Sorrow which all tender-hearted Englishmen should feel for the Fate of their Countrymen, who suffer Imprisonment in Flanders by the Suspension of the Cartel? The Marshal and his Court have constantly claimed the Benefit of that solemn Convention; but we have contented ourselves with saying in the General, that he was not comprehended in it, without assigning any Reason for the Assertion.

This was the State of the Affair, when about a Month ago a † Pamphlet appeared, extolling and justifying the Conduct of HIM who had advised the Detention of the Marshal, and attempting to prove that he ought not to be consider'd as a Soldier, but as a public Minister only. The Love of Justice and

† The Case of the Marshal Belleisle Stated, &c.

*Truth, which always animates the Sons of Liberty, produced an † Answer to this Piece, proving that the Marshal could be considered in no Light but that of a General in the actual Exercise of his Function, and that the Continuance of his Detention, after he had claimed the Benefit of the Cartel, was a manifest Injustice, from which infinite Mischief was like to redound to all the Nations at War, and of which our own had had woful Experience already.*

*This last Essay being calculated chiefly to prove the Marshal intitled to the Benefit of the Cartel, touch'd but slightly on the Subject of his Embassy to the Emperor and Empire; which being perceived by some zealous Republican in Holland, he sets out to supply the Deficiency in Commiseration of our unhappy Countrymen, who suffer by the Detention of the Marshal. The Design was glorious and well-worthy a Lover of Truth and Justice, who seems to have been perfectly Master of his Subject: 'Tis very perceivable he was a Friend to our English Constitution and no Stranger to it; and it is no less evident that he was thoroughly versed in the Constitution of the Empire, by his having treated so methodically the Privileges which the Marshal ought to have enjoyed in Germany.*

*To say the Truth, I was so affected myself by the Solidity of this Author's Reasoning, the Truth of his Principles, and the Justice of his Conclusions, that I thought I could not do a more acceptable Service to my Fellow Subjects, than bring them acquainted with a Foreigner who seems so much their Friend, and so perfectly Master of the Subject in Dispute between the Court of France and ours.*

*By*

*† A Review of Marshal Belleisle's Case, &c.*

By attentively perusing what has been written for and against the Arrest and Detention of Marshal Belleisle, we shall not only be the better able to judge of the Conduct of those who advised them, but perhaps be able to afford such Lights to our Ministers as may help to extricate them out of the Labyrinth of Error into which they may have fallen inadvertently. Ministers are no less liable to Error and Mistake than other Men; and were they less fallible than they are, it should give them Pleasure to think that their Conduct was shaped to the good liking of the Public. The best and wisest of our English Ministers have paid constant Attention to the Voice of the Public, and have industriously laid hold of all Opportunities of justifying their Conduct to the People. But it has been the Reverse with the Weak and Corrupt. They durst not appeal to those they had misused and diserved, and therefore instead of setting out their Actions to open Light, studied how to cover and conceal them.

But however profoundly secret our Ministers have hitherto thought proper to keep their Reasons for detaining Marshal Belleisle, 'tis not to be presumed that they are founded on Motives foreign to the true Interests of these Nations. I shan't allow myself to suppose any thing so injurious to the Honour and Integrity of Englishmen; and yet the Detention of this French General, which occasions the Misery of so many Thousands of our brave Countrymen, wears no very favourable Aspect.

'Tis true, the Marshal is the Prisoner of the Electorate of Hanover and not of England, that he ought not to have been brought hither; and that, supposing his Arrest to have been unjust, no Injury or Dishonour



*Dis honour could have resulted to England, had Things remained in their natural Situation. Thus far may England be supposed to be out of the Question, as blameless; but can her Statesmen be so equitably acquitted in regard to the Detention of the Marshal? If any Injustice attended his Arrest, don't the English Nation adopt it by his Detention? Had he remained at Hanover, the Injustice, if any there was, must have been laid at the Door of Hanoverians only; and without doubt, his most Christian Majesty, who was Eye-witness of the Gallantry of Englishmen in the Field, would have extended his Generosity to them as well as to the Dutch, had not the Detention of Marshal Belleisle been construed an Injustice on the Part of England.*

*Happy had it been for our suffering Countrymen, if their own Warlike Monarch, had been also Witness of their Gallantry in Flanders. 'Tis probable his Royal Presence might have turned the Edge of ill Luck from his intrepid English Subjects; at least would it have called their present Misery earlier to his Royal Mind. Thus would these brave Men have probably been restored long before now to their Friends and to their Country, who but too visibly and too sensibly have been made the Victims of the Resentment of France, for the Inobservation of the Cartel on the Part of England.*

*This Affair is now become too serious, not to be attentively considered by this whole Nation. If we had not a Right from the Excellency of our Constitution to examine the Conduct of Superiors, Compassion, in the present Instance, might render an Englishman excusable for enquiring why so many Thousands of his Countrymen are left to pine away*  
in

*in a foreign Land. Sure, if ever People had a just Motive for examining into the Conduct of their Ministers, it is in this Case of the Detention of Marshal Belleisle. And let me add, that if ever Ministers are bound to account to the Public for their Conduct, it must be in such Cases as the present, where every Man in the Nation is either actually or virtually concerned in the Consequence of their Measures.*

*If they are warranted by Reason, Justice, and the Law of Nations to detain the Marshal, why don't they shew it, that we may be able to throw back into the Teeth of the French the Injustice and Infraction of the Cartel, which they publicly impute to England? From all that has appear'd hitherto, the labouring Oar is upon us. The late † Pamphlet upon this Subject proves the Marshal, as a French General, to be entitled to the Benefit of the Cartel; and this Piece proves his Arrest to have been a manifest Violation of the Laws of Germany in general, and that of Nations in particular.*

*As these Facts have found their Way throughout all Europe, is it not incumbent on our Statesmen to refute them if they can? Is not their own Honour and Justice concerned? Are not even those of their Country concerned? Shall the Honour and Justice of the English Nation, so famed for both, be tarnished? Shall the most generous and upright People in the World suffer in the Opinion of all Europe, by the Silence of their Ministers on so tender and delicate a Point as that which is the Subject of the Pamphlet I here pre-*

† *A Review of the Case of Marshal Belleisle, &c.*

sent the Public? I should be tempted to think it a criminal Silence in the Ministers of any Country, not to give the People Satisfaction in a Matter so essentially their Concern; but for the Servants of a free and willing Nation not to pay the Compliment, is ungrateful at least, to say no worse.

In Hopes therefore that our Superiors may at last think it eligible to pay a Deference due to their Fellow-subjects in general, and to those in particular who suffer by the DETENTION of Marshal Belleisle; in Hopes, in short, they will pay a Deference to their Country, their Prince, and to their own Characters, I have been at the Pains of rendering this Tract intelligible to Englishmen, that they may be able to judge of the Strength or Weakness of the Arguments deduced on both Sides. Happy if I shall have contributed to the right Information of my Countrymen, to the Re-establishment of the ancient glorious Character of my Country, to the Releasement of my Fellow-subjects held in Bondage abroad, and to wiping off the inglorious Stain of Injustice fix'd upon us by Foreigners for detaining Marshal Belleisle, without assigning a Reason for his Detention.







THE  
ARRREST  
OF  
Marshal *Belleisle*,

In the Territories of *HANOVER*,  
CONSIDERED  
As a Violation of the Laws and Customs of  
*GERMANY*, &c.



THE Capture of Marshal *Belleisle*, by Authority of the Elector of *Hanover*, on his Electoral Territories, has produced an important Contest between the King of *France* and that Elector. At first, the Marshal was reclaimed on the Part of his Most Christian Majesty, as his actual Ambassador to the Emperor; but his Release being peremptorily refused him in that Quality, he reclaimed him as Marshal of *France*; Prisoner of War, offering to pay his Ransom, conformable to the *Cartel* of that Year 1744, actually subsisting between him and his *Britannic* Majesty; who had stipulated therein for his Electoral Troops, as *Auxiliaries* to *Great Britain*: But in neither of these Demands was his Most Christian Majesty successful.

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To the First, it was answered on the Part of the Elector, or rather determined, that he was at War with *France*; and that he had a Right to seize upon the Person of any foreign Ambassador within the Extent of his Territories, though Bearer of Credentials to the Emperor, and more especially when such Ambassador came from a Power with whom the Elector was at War. But to the Second, it was thought proper, as the most conclusive Answer that could be given, to deny the Existence of any *Cartel* between the two Powers.

We shall examine the Justice of these Answers or Refusals, and the rather as the Contest is of so very great Importance, that not only the Emperor and the whole Empire are interested in the Consequence of it, but all the Powers of *Europe* who send Ambassadors to the Imperial Court. This therefore is become the common Cause of all the Princes and States of the Christian World, and for that Reason ought to be considered and discussed with the utmost Attention.

We propose then in this View to examine these Points minutely, by shewing in the first Place, that his *Britannic* Majesty, as Elector, had not the Power to seize upon the Person of Marshal *Belleisle* within his Electoral Territories, being Ambassador from his Most Christian Majesty to the Emperor, and that in so doing he not only failed in the most essential Duties of an Elector, in regard to the Emperor and the Empire, but offended against the fundamental Laws of the Empire; and in the Second, by endeavouring to shew that the Detention of the Marshal is a Violation of the Band the most sacred 'twixt Powers at War, viz. of *Cartels*, or Treaties for the Exchange and Ransom of Prisoners of War.

If

If the Capture of Marshal *Belleisle*, as *Embassador from the King of France to the Emperor*, has been approved of by any, it could be only by such as had confounded the Idea of the Power of an Elector of the Empire with that of the Prerogatives of the absolute and independent Sovereigns of *Europe*, who hold of God alone, and whose Power is limited only by Divine Injunctions, and the fundamental Laws of their respective States. But the Sovereignty of a *German Prince* is of a quite different Complexion.

There is no Government in the World so compounded, as that of the *Germanic Body*: For whether it be considered in the general or particular, it presents such a Mixture of Independency and Dependency, of Sovereignty and Subjection, of Aristocracy and Democracy, as too often perplexes and confounds, for want of that thorough Knowledge, so necessary in judging of the present Question, and yet so little heeded to at present.

To give then the justest and clearest Idea of the Sovereignty of the Members of this illustrious Body, 'tis thought proper to consider a Prince of the Empire in three different Characters; *viz.* in regard to foreign Powers, to his own State or Dominions, and to the Empire.

In regard to Foreign Powers, the Condition of a Prince of the Empire differs widely from that of other Sovereigns. For though he have the Power of contracting † *Alliances*, *sending and receiving Embassadors*, and of making War and Peace, &c. yet is this Power, so much the Characteristic of So-

† *Jus fœderum, Legationem, Belli & Pacis, &c.*



verignty, limited in him by a fundamental Restriction, *of doing or acting nothing in Consequence of such Power, against the Constitutions of the Empire, nor against the Rights of the Emperor, as Head of the Germanic Body.*

To consider a Prince of the Empire, in regard to his own immediate Dominions in the Empire, we shall find his Government, far from being absolute, to be limited by Custom, the Laws of the Empire, and particular Compacts between each Prince and his Subjects. The ordinary Form of the different States of *Germany* is, that their Provincial Diets or Assemblies, being composed of the Clergy, Nobles and Deputies of Cities and great Towns, meet by Authority of the Prince, and concur in Measures tending to the public Good, and to the Prevention of public Evil. In these Provincial Assemblies, they never enter into the Deliberation of what is commonly understood by the Words, *Matters of State*, contenting themselves to treat simply of what regards themselves immediately; such as the enacting or repealing Laws, relative only to the Province they represent, Taxes to be raised, the Regulation of the Civil Government, and, in short, of the immediate Interests of the States of the Province, their Privileges, Customs, and Conventions with the Prince. If they be aggrieved, especially in regard to their Privileges, the Infraction is considered in these Assemblies with the utmost Zeal and Circumspection; and this Case, and that of laying any new Tax, are the most important and delicate that intervene between the Prince and his Subjects in the Empire.

In the third Place; to consider a *German Prince* with regard to the Empire, we must view him in a  
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mixt or double Capacity; that is, as a Sovereign and *Vassal* at the same Time. As a Member of the Empire, he really participates, on one Hand, of the Rights of Sovereignty, by the Power he has of assenting or dissenting, as well from what shall be proposed and deliberated in the General Diets of the Empire, as at the particular Assemblies of the Circles: And on the other, he as effectually participates of the Vassalage of all the other Members of the *Germanic* Body, who hold of the Emperor and the Empire. This joint Tenure, by which the *German* Princes hold both their Dignity and Dominions, is tacitly owned by the Homage they are obliged to pay to the Emperor on his Accession, and expressly by the Acts of Investiture. But besides, the Vassalage of a *German* Prince is manifest, in that he is obliged to submit, in ordinary Cases, to the Sovereign Jurisdiction of the Emperor and Empire, lodged with the two principal Courts of Judicature in the Empire, *viz.* the Imperial Chamber, and the Aulic Council; and in extraordinary Cases, to the Decisions of the General Diets of the Empire.

The Vassalage of a *German* Prince, even of the highest Class, such as an *Elektor*, is evident to a Demonstration in all respects, and particularly in his not having the Power to confer *Honours* or *Dignities* of ever so low a Degree, even on his own Subjects. On these Occasions he is obliged to have Recourse to the Emperor, the only Fountain of Honour in the Empire.

Such exactly is the Nature of the Sovereignty of the Princes of the Empire. And we flatter ourselves, that our Description of it will be the less discredited or controverted, as it is solely founded on that famous Treaty of *Westphalia*, which limits the Power of the

the Emperors and Princes of the Empire, and which is universally allowed to be the best Bulwark and Security of the *German* Constitutions and Liberties.

This Description contains Part of the Rights and Prerogatives of the Emperor. But as it would be unnecessary to enumerate minutely all those that are annexed to that distinguished State, either jointly or separately, we will, in this Place, confine ourselves to the Discussion of the Prerogative or *Right of Embassy* annexed to the Imperial Dignity, and which is one of the most distinguishing Marks of the Sovereignty of the Head of the Empire. The thorough Knowledge of this Point is always of Importance, but at this Time, not only so, but necessary in order to be able to judge equitably of the Case in question.

Though there be no Reason to suppose that the Power of Emperors will be increased or extended in this Age, there certainly is as little to imagine that that will be abridged which they enjoy in Virtue of Treaties, Custom, and the Constitutions of the Empire. If it be allowed that the Sovereign Power is lodged jointly with the Head and Members of the Empire, it must be likewise admitted, that the Exercise of certain Rights of the Sovereignty is particularly vested in the Person of the Emperor, by the universal Consent of the whole *Germanic* Body. This appears evidently by the Homage of the Princes of the Empire, which though relative to the Empire in general, is however paid to the Emperor alone; and the same Order and personal Deference are observed in regard to Oaths of Fidelity and Investitures.

The same general Consent of the whole *Germanic* Body, which authorizes the Emperor to exercise



cise the aforesaid Rights, authorizes him likewise to exercise the *Rights of Embassy*; that is, vests him with a Power or Prerogative of sending to and receiving Ambassadors from foreign Princes and States. And it is in Consequence of this Prerogative, inherent in the Person of Chief of the Empire, that the Emperor, jointly in his own Name and that of the Empire, sends and receives Ambassadors from foreign Powers.

But of what Utility would this Power, vested in the Emperor by the unanimous Consent of the Empire, be, unless he were likewise vested with the Power of protecting such foreign Ministers according to the *Law of Nations*? Such Protection is necessarily, it may be said absolutely, implied in the Power thus delegated to the Emperor; it being certain that without the Right of Protection, which may be deemed the Essence of his Power, the very Design of investing the Prince with the *Rights of Embassy* would be defeated.

It is known to all the World, that the Intercourse between Princes and States by reciprocal Embassies, is founded on and secured by the *Law of Nations*. Nor is it a Truth less known, that a Prince unable to enforce the Execution of this Law within the Limits of his Jurisdiction, would not be considered among the Number of Sovereigns. But there is no Prince so void of Power, and if there were, he would be honoured with no Embassies from foreign Powers.

It is certain therefore, that it is in Consequence of the Power of Protection, which Princes have and exercise, that Ambassadors are sent and receiv'd reciprocally. And it is no less incontestably true, that it is in Consequence of the Plenitude of this part of Sovereignty, universally acknowledged to be

be vested in the Emperor, that the other Sovereigns of *Europe* send Embassadors to his Court. They receive Embassadors from him in Consequence of the same Sovereignty, and allow his Ministers to enjoy all the Benefits of the *Law of Nations* within the Extent of their Jurisdiction, which protects them there even from the declared Enemies of their Master. In short, all the Honours that have been paid to Imperial Embassadors for Ages, by the other Sovereigns of *Europe*, and the *Precedence* allowed them, were in Consequence of that Sovereignty lodged with the Emperor ; of that Power vested in him of enforcing the Execution of the *Law of Nations* within the Limits of his Jurisdiction ; that is, within the Empire. The Preheminence allowed to the Emperor's Embassadors by all the Powers of *Europe*, naturally, and I may say necessarily, implies that he was, and was constantly understood to be, invested with that part of the Sovereignty which includes Protection of Embassadors, according to the Law of Nations.

But if this essential Portion of the Sovereignty should be refused the Emperor by the Princes of the Empire ; should it be in their Power to limit his Authority in this Respect, at their Will and Pleasure ; should these Princes, after they had acknowledged the Sovereignty of the Emperor and Empire, under any Pretext whatsoever, whether the being at War with a foreign Power or otherwise, assume to themselves a Right of seizing the Person of an Embassador to the Emperor, especially at a Time that an Emperor was forced from his hereditary Dominions, which was the Case of the late Emperor *Charles VII* ; I say, should the *German Princes* arrogate such a Power in Violation of the known Customs

toms and Constitutions of the Empire ; it is obvious that foreign Powers could not view the Embassadors of the Head of the Empire, in the same Light with those of other crowned Heads. Nor would they, nor indeed could they, without derogating from their own Dignity, allow of their Precedency, or grant them Protection according to the *Law of Nations*, throughout the Extent of their respective Dominions.

It is easily comprehended then, how great Strife and Confusion such a Deficiency of Power in the Head of the Empire, would cause all over *Europe*. How would it tarnish the Lustre of the Imperial Diadem, was the Wearer's *Right of Embassy* to be impugned by every Member of the *Germanic Body*? What Confidence could foreign Powers repose in a Prince unable to protect their Ministers, and inforce the Execution of the *Law of Nations*? How gross an Affront to the Dignity of the Empire, that every individual petty Member of it should arrogate a Power of prescribing to its Chief, and violating his Rights and Prerogatives? In fine, how detrimental to the Emperor and Empire, to be deprived, by so notorious a Violation, of the Advantages accruing from the Security of a reciprocal Correspondence among Sovereign Powers?

But it must be confessed that, till of late, there has been no Instance of the Infringement of the known Sovereignty of the Emperor, in regard to foreign Embassadors, by any Member of the Empire. Till the present Attempt, in regard to Marshal *Belleisle*, it has not been known that any *German* Prince had thought it prudent or safe to make so open and unprecedented an Attack on the Ma-  
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jeſty of the Empire, and the avowed Rights of its Chief.

As all the Princes of the Empire conſtantly have their reſpective Miniſters at the Emperor's Court, they cannot be ignorant of the Character of ſuch foreign Miniſters as reſide there. And from the Moment of their Information, their reſpective Dominions ſhould be a ſure Retreat for all Foreigners cloathed with the Character of Embaſſador to their Chief. This has been the conſtant and invariable Conduct of the Princes of the Empire, in reſpect to the Emperor, till the Elector of *Hanover* has thought proper to fall into quite another Method of Practice. The Sovereignty of the Head of the Empire, in reſpect to foreign Embaſſadors, was never controverted; this, the moſt precious and important of his Prerogatives, has not been ſo much as attempted to be abridged by any of the Members of the *Germanic* Body, till the Chief of the Houſe of *Lunenbourg* has judged it for his Conveniency to make the Experiment, by the Capture and Detention of Maſhal *Belleiſſe*, not only Embaſſador of *France* to the Emperor, but likewiſe the Emperor's Embaſſador to the King of *Pruſſia*.

A Conduct ſo repugnant to the Cuſtoms, Laws, and Conſtitutions of the Empire, could ſcarce be expected from any Prince of *Germany*, but much leſs from the Elector of *Hanover*, who was the very firſt of the Electors that had favoured the late Emperor with his Suffrage; who had been the firſt and forwardeſt to ſalute him Emperor and own his Dignity; and who had been particularly obliged to that illuſtrious Candidate for the Safety of his electoral Dominions, about the Time of his Election.

And

And what renders this Conduct of the Elector of *Hanover* the more extraordinary, is, that he could not well be ignorant of his having admitted authentically of the Emperor's *Right of Embassy* in agreeing and accepting of that Prince's *Capitulation* before his Inauguration, wherein this very Point of the *Right of Embassy* is fully stated and confirmed, *Art 27. Part 2.* But what is yet more surprising, is, that he had been pleased to acknowledge the Emperor's Sovereignty in a far more particular Manner than any of his Electoral Brethren, in having obtained of that Chief of the Empire, *Art. 3. Part 5.* of his *Capitulation*, a specific Promise that he would maintain and support the Erection of the Electorate of *Brunswick*. Was it possible for the Elector to give a stronger Instance of his own Dependency, as a Member of the *Germanic Body*, or of his Acknowledgment of the Superiority and Sovereignty of the Head of the Empire?

But to view this Attack upon the Imperial Dignity in any Light, how can we square it with the Laws or Constitutions of the Empire, or with public——? 'Tis not known, as has been said before, that any such Attack has been attempted by the Princes of the Empire, who have never so much as raised any Scruples or formed any Pretensions concerning the Security of Embassadors sent to the Chief of the Empire. There has been no Instance of this injurious Nature in the Empire, where it was never known that a Vassal made any Attempts of this Kind on the Prerogatives of his Lord. 'Tis quite a Novelty for a Prince of the Empire to attack its Head so visibly and in so tender and delicate a Point. But 'tis quite the Re-

verse in regard to the Chief of the Empire, who having at all times exercised his imperial Power with respect to the Ministers of the *German* Princes, must be supposed to have had a Constitutional Authority for what he did.

There is no disputing that the Emperors have, time out of mind, pretended to an immediate Jurisdiction over the public Ministers of the Electors, and other Princes and States of the Empire, as well at the imperial Court as throughout the Empire, and especially at the Diet: Nor is it less certain, that the Exercise of this Jurisdiction is very ancient, and confirmed by Custom and long Possession continued down to the present Time. † *Charles V.* in 1549, caused the Ministers of those Princes who had protested against the Ordinance of the Diet at *Spire*, to be put under Arrest. On much the like Occasion, the Emperors *Ferdinand II.* and *III.* acted in the like Manner. But to come nearer the present Time, did not the Emperor *Leopold*, in 1675, give Orders for the Seizure of the Cardinal and Prince of *Fustemburg* \* at *Cologne*, even when that Prelate was cloathed with the Character of Minister Plenipotentiary from the Elector of *Cologne*? And more, the Emperor's Jurisdiction over the Ministers of the Princes of the Empire, and especially at the Diet, has been authentically owned and confirmed by the memorable Transaction in 1614, between the Vice Marshal of the Empire and the free Towns of *Germany*, which was settled and adjusted by the Interposition of the Dukes of *Bavaria* and *Wurtemberg*, and serves as an undeniable Proof of the Jurisdiction

† *Wicq.* Vol. I. pag. 53. \* *Hist. of the Empire*, by *Hafz*, Vol. I. pag. 410.



tion of the Chief of the Empire over the Ministers of the *Germanic* Body.

'Tis true, the College of Princes protested against that Agreement; but went no farther, and so the Affair remained ever since. The Emperors continued in Possession of their Rights, and have exercised their Jurisdiction often on the very Persons of the Ministers themselves, but constantly on their Domestics and in their Houses. And the Imperial Orders on these Occasions have been executed as well by the grand Marshal of the Emperor's Court, as by the Vice Marshal of the Empire, who in many Instances, by their own mere Authority, had ordered their Officers to shut up the Houses and seal up the Effects of Ministers who happened to die. These great Officers likewise took, imprisoned, and punished the Domestics of the Princes of the Empire, according to the Nature of their several Crimes; and frequently have, by their own Authority likewise, discharged from their Attendance at the Diet of the Empire, the Ministers of several of the Princes of the Empire.

It was in consequence of the Jurisdiction claimed, and it may be said allowed by the Emperors on these Occasions, that the Prince of *Fustemberg* was seized and carried off from *Cologne* in 1675, as has been observed, though he was actually the Elector of *Cologne's* Minister. It was in Virtue of the same Power that the Vice-Marshal of the Empire, in 1686, by order of the Emperor *Leopold* seized upon the Person of the Duke of *Sax-Weymars's* Minister. It was in Consequence of the same Power that Informations were lodged against the Domestics of the *Bavarian* Ministers in 1718, that in 1711, the House of Mr. *Huldenberg* the

the *Hanoverian* Minister at *Vienna*, was shut up and sealed. In virtue of the same Power, was *Monsieur de Neuforge*, Embassador from the Circle of *Burgundy*, obliged to quit the City of *Ratisbon*; as was the *Bavarian* Embassador in 1704, and that of *Savoy* in 1714, &c.

The Emperor's Authority reaches much farther; for he not only can punish the Ministers of the Princes and States of the Empire, but can absolve and protect them from their Masters when pursued to Destruction; and this they can do though such Ministers should be ever so great Delinquents. The Emperor's Letters of Protection or Brevet of Counsellor of State, shall protect and even absolve the Criminal, as was seen in the Persons of Messieurs *Munchausen* and *Bassevitz*, whom the late Emperor *Charles VI* protected from the Wrath and Justice, and against all the Efforts of the Dukes of *Wolfembuttel* and *Holstein*.

These Instances are so many undoubted Proofs of the Sovereignty of the Emperor, and how far he extends it, in regard to the *Right of Embassy*, in the Empire. It proves clearly, that the Princes of *Germany*, far from having any coercive Power over foreign Embassadors sent to the Emperor, are themselves subject to his Imperial Power in the Persons of their Ministers.

Hence then it must necessarily be concluded, that the Arrest of Marshal *Belleisle*, Embassador from his most Christian Majesty to the late Emperor, in the Territories of *Hanover*, was directly repugnant to the most respected Laws and Customs of the Empire; that the Lord of the *Fief* is thereby wounded in his Honour; and that, should the Emperor and Empire refuse to make suitable Reparation,

paration, this Affair may be attended with very ungrateful Consequences, in respect to the Emperor and Empire, resulting not only from the Resentment of *France*, but from that of all the other Powers of *Europe*, who are in fact, equally concerned with her in supporting the Privileges of Embassadors to the Head of the Empire.

As to what is alledged on the part of *Hanover*, to palliate the Violation of the known Laws of the Empire; viz. that the Electorate was at War with *France*, we have already shewn, that whether the Prince of the Empire be or be not at War with the Power who sends an Embassador to the Empire, the Character of Embassador still subsists, and is inviolable with Respect to a Member of the *Germanic* Body, who ceases not, whether in War or Peace with the foreign Sovereign, to be still the Vassal of the Emperor and Empire, and to be obliged and tied down by that general common Assent of the whole Body, which has lodged the *Rights of Embassy* in the Person of the Emperor.

But though this single Reason be sufficient to refute the aforesaid Allegations on the part of *Hanover*, we shall enforce the Argument to prove more evidently the Injustice done; and to this End shall endeavour to refute methodically, the Arguments deduced by the Regency of *Hanover*, in Answer to *Monsieur de Bunau*, who demanded the Marshal on the Behalf of the Emperor. This Answer has been published in all the foreign Gazettes, by the *Hanoverians* themselves, as thinking it conclusive, no doubt, in regard to the proving that the King of *Great Britain*, as Elector, was at actual War with *France*, at the Time of the Arrest of her Embassador to the Emperor *Charles VII.*

† “ It



† It is notorious, say they to *Mons. de Bunau*,  
 that *France* on the 15th of *March* 1744, did pub-  
 lish a Declaration of War against his *Britannic*  
 Majesty and his Electoral Higness of *Brunswick-*  
*Lunenbourg*, which was followed by a subsequent  
 Declaration of War against *France*, on the part  
 of the latter; and that in the *French* Declaration  
 his *Britannic* Majesty is not only all along stiled  
 King of *England*, Elector of *Hanover*; but that  
 the usual Forms on such Occasions are observed  
 by the following Words, *his most Christian Ma-*  
*jefty enjoins and commands all his Subjects,*  
*Vassals, and Servants, to fall upon the Subjects*  
*of the King of England, Elector of Hanover.*  
 This set Form, by way of Command on the part  
 of the King of *France*, and Self-preservation  
 founded on the Law of Nature, sufficiently au-  
 thorize the Subjects of his *Britannic* Majesty, to  
 fall upon those of *France*, wherever they can.  
 His *Britannic* Majesty's counter Declaration of  
 War has confirmed this Right; nor was it neces-  
 sary that he should publish two different Declara-  
 tions of War against *France*, since his most Chris-  
 tian Majesty had not thought proper to publish  
 two different Declarations against him, as King  
 and Elector. Your Excellency therefore will have  
 perceived from hence, that the Doubts attending  
 this Circumstance, do vanish of themselves.

Such is the all-conquering Argument published  
 by the Regency of *Hanover* to prove the Elector  
 of *Brunswick* to be at War with *France*. But it  
 happens unluckily for them, that these Arguments,

† The Answer of the Regency of *Hanover*, Jan. 21, 1744.  
 in the *Amsterdam Gazette* of the 19th of *March* last.

far from proving what they were intended to prove, prove the direct contrary, as will appear on a circumspect Examination of the Point.

It would be superfluous to examine whether it was the Intention of the Court of *France*, by blending the Titles of King of *Great Britain* and Elector of *Hanover* in the *French* Declaration of War, to declare collectively against both, or whether the Union of Titles, as set forth in the Declaration, was only pure matter of Form. It will, I conceive, be sufficient to prove, *that the King of England speaks not as Elector in the English Declaration published by his Order at London against France; and that if he intended to declare War against that Power as Elector; it was absolutely necessary that he should do it by a separate Declaration. Further, that the King of England would not nor could not, according to the British Constitution of Government, speak as Elector of Hanover, in his Declaration of War as King of Great Britain; and that moreover his Britannic Majesty himself, by Acts subsequent to his Declaration of War against France, has made it appear authentically, that he did not conceive that France had declared against him as Elector, and that he has not in that Quality declared War against France. Again, that the Principle thus attempted to be established by the Regency of Hanover; viz. that the Elector is necessarily blended with the King in his regal Acts, may be of the most dangerous Consequence as well to the Prince, as to the whole British Nation. And lastly, that it is for the Interest of his Britannic Majesty, that his German Ministers give ample and immediate Satisfaction on this Head to the English Nation, whose Honour, as well as Interest, is essentially affected by this unwarrantable Attack of the Regency of Hanover.*

There is nothing more evident, than that throughout the *Engliff* Declaration of War published at *London* the 29th of *March* 1744, there is no Mention made of the Elector of *Brunswick*. The Word Elector is not so much as once made use of, nor any other that should incline any Man to believe that his *Britannic* Majesty intended to involve his *Hanoverian* Subjects in a War with *France*. There is not a Syllable of *Hanover*, nor of his Majesty's *German* Subjects: 'Tis true that Prince endeavours in his Declaration, to exculpate himself from the Infraction of the *Neutrality* for *Hanover*, which is imputed to him by *France* in her Declaration. But this is done by the bye only; and slight as it is, it visibly indicates that his Majesty looked on the Declaration of *France*, as relative only to his regal Dominions. For there he speaks his Surprise that *France* should cite a Fact, which regarded his Electorate only, and had no Connection with his Conduct as King of *Great Britain*.

All the Rest of the Declaration is absolutely adapted to *England* and the *Engliff* Nation. It can't possibly be denied that what is therein said of *America*, and the Fortifications of *Dunkirk* is intirely Foreign to the Consideration of *Hanover*. And a Man must be unjustifiably partial, who should attempt construing the following Words, as applicable to his Majesty's *Hanoverian* Subjects. *The Reproach of Piracy, Cruelty, and Inhumanity, imputed to the Commanders and Crews of our Ships of War, is equally unbecoming and unjust.* Nor can his *Britannic* Majesty's Orders therein to his Land and Sea Commanders, be intended for the Officers of the Electorate, being address'd to Admirals and Governors of Forts and Castles. In short,



short, his Majesty's Speech to both Houses of Parliament, on his Declaration of War, and their Addresses, contain nothing relative or applicable to *Hanoverians*. The King speaks but of his Kingdoms; no mention is made of his Electorate. The Houses of Parliament speak likewise but of the Kingdom and Dominions of *Great Britain*; and tacitly decide the Point in Question, by seeming to think, that the *French* Declaration of War regarded *England* only, since they say, *that they find it full of Expressions injurious to his Majesty's Honour and that of the British Nation*. But the Parliament says not a Word of any Wound given to the Honour of his Electoral Highness or his good Subjects of *Hanover*. This *English* Declaration of War, though in every Respect fitted to the *English* Nation, cannot in any Light be applicable to the *Hanoverian*, for the Reasons already assigned, and for many more, among which the following few may be offered.

I. This Declaration is in *English*, not a Language the Electors of the Empire are enjoined to know, by the 30th Chapter of the Golden Bull. A Declaration of War published on the Part of the Elector of *Hanover* in *English*, would be such a Novelty as the whole Empire would oppose with Justice, since no other Language but the *German* has ever been known made use of in *Germany* on the like Occasion. Nor would the States of *Hanover* be less alarm'd at the Innovation, since such a Preference of Language would be a tacit, if not an open Mark of Subordination, which, I dare say, the *Hanoverians* would neither be thankful for, nor own.

II. The Declaration is signed by the Prince in the upper Part of the Instrument, according to the

Custom of *England*, which is absolutely repugnant to the Customs of *Germany*, where, on such and all Occasions, the Prince's Signature is at Bottom.

III. Neither the Name nor Titles of the Elector are to be found in the *English* Declaration; and yet 'tis but as Elector, that his *Britannic* Majesty can Order or Command in his Electorate. And if the not mentioning the Elector by Name be an essential Omission, the Silence as to his *German* Titles would not be a less material Omission, in a Country where Deference and Respect is measured by Length of Titles. This Deficiency alone would be enough to render the Declaration invalid, and little respected in the Dominions of *Hanover*.

IV. The *English* Declaration is not couch'd in such Terms as are fitted or adapted to *Germany*. For the Stile and Expression used by the Elector to his *German* Subjects, differ very widely from those addressed to his *English* Subjects, *Free* as they are, or have a Right to be.

V. There has been no Publication in the Dominions of *Hanover*, of the *English* Declaration of War against *France*, insomuch that no public Information was given to the Subjects and Officers, either Civil or Military, of the Electorate, as certainly ought and would, if it had been intended that the Declaration at *London* should serve also for the Electorate. And surely if there had been any such Intention, the least Compliment that could be paid, would be to acquaint them of the Innovation.

It is needless to extend these Reflections; what has been already said being sufficient to shew, that if his *Britannic* Majesty, as Elector of *Hanover*, intended to declare War against *France*, he must have

have been obliged to do it by a separate Declaration. There is no disputing, that by the *English* Constitution, his Majesty would not think himself at Liberty to blend the Cause of the Elector with the King's, in his Declaration of War, without the Consent of Parliament. His Majesty would have known that such an Attempt might be construed by many to the Disadvantage of his Justice, in regard to the generous Nation who called his Family to rule over them, in Preference to others nearer that Imperial Crown. What does the Act of Settlement say? \* "That, should the Crown devolve on any Prince not born in *England*, the Nation shall not be held engaged to enter into or support any War for the Defence of Possessions that do not belong to *England*."

We see herein, as indeed throughout the whole Act which settles the Succession, what Care was taken to separate the Interests of *England* from those of *Hanover*. They can never be blended without innovating that sacred Law. Wherefore it is improbable that any Minister, either *English* or *Hanoverian*, would dare advise such an Union of Interests as the Regency of *Hanover* would persuade us was intended by his *Britannic* Majesty's Declaration of War against *France*. And was any Counsellor to give such inconsiderate Advice, we may suppose he would meet with the Discountenance and Punishment due to his criminal Rashness, as well from the Prince as the People. The Nation could not but resent such an Attempt to violate the modern Charter of their Liberties, nor the Prince the Injury intended him and his Royal House.

But what puts the Matter beyond all manner of Cavil and Dispute, that his *Britannic* Majesty was

\* *Rapin de Thoyras*, Vol. XI. p. 371.



of a different Opinion from the Régency of *Hanover*, who suggest, that the Electorate was at War with *France* in Consequence of the *English* Declaration, is, that by an authentic Act subsequent to the Declaration, and made in his Majesty's Name by his first Minister, the *Hanoverians* are specifically mentioned as *Auxiliaries* only. This appears upon the Face of the *Cartel* made under his Majesty's Eye in 1743, which has been solemnly confirmed by my Lord *Carteret*, now Earl of *Granville*'s Letter to the Duke de *Noailles*, the 12<sup>th</sup> *June*, 1744, almost three Months after the Declaration, which the shrewd *Hanoverian* Ministry will have to include *Hanover* as well as *England*. But this important Letter, among others, will appear in the Appendix.

This solemn Engagement, contracted in his *Britannic* Majesty's Name, evidently decides the Point in Dispute. For had it been his Majesty's Intention to have blended both his *British* and *German* Possessions in his *English* Declaration of War, which could not be the Case, he would never permit a solemn Act, such as *Cartels* have ever been deemed, to be passed in his Name, wherein his *Hanoverian* Subjects in his Army were specifically called *Auxiliaries* only. If War had been declared between the Electorate and *France*, they would be Enemies, and must be deem'd as such. But as there was no War declared nor intended, they passed by their proper Name, *Auxiliaries*.

We can't suppose, on the other Hand, that this could happen by Mistake or Inadvertency, because the Renewal of the *Cartel* was owing to the Prudence and Vigilance of my Lord *Granville*, a Minister supposed to have studied his Master's Disposition, to have had his Confidence, both as King  
and

and Elector, and to have consulted the separate Interests of *Hanover*, as much at least as any of his Predecessors.

Hence the World may be allow'd to conclude, that his *Britannic* Majesty himself did not intend that his *English* Declaration of War should include his Electorate; wherefore then it must be concluded necessarily, that at the Time of the Arrest of Marshal *Belleisle*, his Majesty, as Elector, was not at War with *France*; nor were his Electoral Troops, and those of *France*, any other at that Time in the Empire, but *Auxiliaries*.

But if there was no War between *France* and the Electorate, at the Time of the Arrest of Marshal *Belleisle*, as it manifestly seems there was not from the Renewal of the *Cartel*, wherein the *Hanoverians* are mentioned as *Auxiliaries* only; if, I say, it be concluded from the Renewal of so authentic an Act, passed by his *Britannic* Majesty's Orders and in his Name, that it was not, nor could not be intended to blend the Inhabitants of the Electorate with the *British* Subjects in the *English* Declaration of War, how reprehensible are the Regency of *Hanover*, for daring to have advanced a Proposition so dangerous? How worthy of Chastisement, for attempting, even tacitly, to confound the King of *England* with the Elector of *Hanover*, in a public Act, such as his Majesty's *English* Declaration of War was, which, as it engaged all the Subjects of *Great Britain* in War and the Expence and Calamities of it, could be relative to them only.

The *Hanoverian* Ministry were the less pardonable, for having advanced a Proposition so big with Mischief and Confusion, that they must be thoroughly sensible of their dangerous Error at the very Time of the Commission of it. They must have  
known,

known, as all *Europe* do, that the Kingdom of *Great Britain* and the Electorate of *Hanover* are not more separated or distinct by their Situation, than by the Nature and Form of their different Governments ; and the very Act of Parliament, by Virtue of which the present Royal Family ascend the *British* Throne, so visibly points out the Difference that it can never be mistaken, but through Wilfulness and Design. The *Hanoverian* Ministry could not have been ignorant of the Difference of *Interest* neither, any more than that of *Government*, when they published that insulting Proposition, whereby they would attempt opening a new Way of consolidating those different Interests, by blending *England* and *Hanover* in the same Declaration of War, though publish'd in *English* and in *England* only.

The Regency of *Hanover* could not have fallen into this dangerous Error by Mistake. They could not forget the express Limitations of the Act of Succession ; they could not but be sensible of the Jealousy and Delicacy of the *English* Nation in regard to *Hanover*, nor forget the cautious Lets thrown in the Way of all the Subjects of the Electorate, by the Act of Settlement. By that Law, no *Hanoverian* can be employed under the Crown of *England* in any manner whatever ; wherefore no *Hanoverian* can be Minister to his *Britannic* Majesty as King, nor counter-sign any of his Acts, nor report any of his Orders or Messages. This is evident to all Foreigners that have any Affair to transact with the Court of *London*, relative to the Electorate. In such Case, they treat with the Secretary of *Hanover*, and not with  
the



the *English* Secretaries of State, and are introduc'd to Audience by the *Hanoverian* Secretary only.

In short, though the *English* Nation are not able to distinguish physically between the King of *Great Britain* and Elector of *Hanover*; we may be sure that the political Distinction subsists in its full Force, and will as long as there are true-hearted *Englishmen* living.

It is needless to point out here the particular Difference between an *Englishman* and *Hanoverian*, as well in regard to the Governments of their respective Countries and the Genius of their respective Nations, as with regard to their Influence and Character in the World. I believe the *Hanoverians* themselves, though cloathed of late with an Excess of Vain-glory, will not presume to measure themselves with a Nation so generous, learned, polished, free and powerful as the *English* are allowed to be by the universal Consent of all the Nations of the World. I don't think any Man would attempt a Comparison, that would be offering so visible and gross an Indignity to the *English* Nation.

From these few cursory Observations, it may be easily perceived how vague and unwarantable was the *Proposition* of the Regency of *Hanover* in their Answer to Count de *Bunau*. Are we not justified to suppose, when they could suggest the Electorate to be at War with *France* in consequence of the *English* Declaration of War, that they intended to confound the Interests of *England* and *Hanover* together, and by that tacit Union to confound the *English* and *German* Governments together, and even to mix and jumble promiscuously the brave

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and

and warlike *English* Nation with the — People of *Hanover*? May we not suppose that the *Hanoverian* Regency, by their *Proposition*, had wantonly and purposely intended, by such a tacit Attack on the Honour and Dignity of the *English* Nation and Constitution, to awake the Jealousy of the *English* Nation, and alienate their Affections from a Royal Family, whom they had themselves spontaneously brought to rule over them? For what could so soon rouse the Heart of a free-born *Englishman*, as to think that his Country should become a Province to a pitiful *German* Dutchy? The Partiality would be too glaring and intolerable for an *Englishman* to resign himself to, could he suppose it to exist; and how severely ought those *Hanoverian* Ministers to be censured, who would have persuaded the World it did, by their Answer to *Monsieur de Bunau*, in regard to the *English* Declaration of War? Their unjustifiable Conduct in that Instance may have slipt the Observation of the *English* Ministry, and without doubt that of his *Britannic* Majesty, more concerned in the Consequences than any Body else; but we may assure ourselves, that when it comes to be considered, we shall hear of exemplary Punishment inflicted on these foreign Incendiaries.

We no longer dwell on the Consideration of a *Proposition*, which, if generally propagated and maintained, would be of the most dangerous Consequence to the Safety of the present Royal Family of *England*, and to the Repose and Freedom of the *English* Nation. The Confusion that must necessarily arise from the Establishment of so pernicious a *Proposition*, being too obvious to be either denied or overlooked, it may reasonably be supposed,

posed that we shall soon hear of its being publicly and authentically exploded and condemned. —But before we make a Transition to another Subject, we shall make Answer to a fresh Objection published by those consummate Statesmen, the *Hanoverian* Ministry.

It is observable, that the Regency of *Hanover*, in their Answer to *Monsieur de Bunau*, attempted not to refute the Reasons offered by that Imperial Minister in his Demand for the Release of Marshal *Belleisle*, as an Ambassador to the Imperial Court, who could not be arrested in the Territories of a Vassal of the Empire, and of the Emperor, on whom the *Right of Embassy* devolved by the unanimous Consent of the *German Nation*, as being Head of the *Germanic Body*. The *Hanoverian* Ministry being gravelled here, they thought the most prudent Step they could take on the Occasion, was to evade the Question, by saying nothing. But grown conscious since, that their Silence would be taken *pro confesso*, in *Germany* at least, they have clumsily endeavoured to change the Nature of the Dispute, by giving out that the Marshal was Ambassador to the Elector of *Bavaria* only, concluding from this flimsy Variation of the Point, that being only an Ambassador to an Elector of the Empire, an Electoral Colleague was not to account for the Arrest, by the Constitution of the Empire.

This trifling Chicane, this Evasion is so extremely weak and ill-founded, that it merits no Notice; nor should I take any of it, but to shew the mean Shifts the Regency of *Hanover* were obliged to have Recourse to, to excuse themselves and



cover their Violation of the *Rights of Embassy* conferred on the Emperor by the Suffrages of all the Princes and States of the Empire.

There is one general Answer to this late-started Objection of the Regency of *Hanover*, which destroys it at first View ; which is, that though *France* has been the most strenuous Stickler for securing to the Electors of the Empire, the *Privileges and Rights of Embassy*, as well at *Munster* in 1648, as at *Nimeguen* in 1678, at *Frankfort* in 1682, and at *Ryswick* in 1697 ; yet such Difficulties have arose concerning the Reception of Electoral Embassadors at foreign Courts, that none of them have sent any to the Court of *France*, nor has that Court sent any to them. Besides, when an Elector becomes Emperor, it would be against all Decency, against the common Dictates of Reason to address an Embassador to him in his inferior Capacity. He could not but look upon so novel and unguarded a Procedure as an Insult offered to the Imperial Dignity and the Majesty of the Empire. But to consider the perfect Friendship and Harmony subsisting between *France* and the late Emperor, it won't be supposed that there could have been any Design on the Part of that Crown to offer that Prince any such unpolite unmeaning Indignity.

But further, if Marshal *Belleisle* had been only an Embassador sent to the Elector of *Bavaria*, that Circumstance must necessarily have been known to the Public. He must have been received at *Munich* by the Electoral Officers, and not by the Imperial ; and on all Occasions he would have been treated differently from Embassadors addressed to the Emperor. The Public would soon be apprised of the Singularity ; and as the *Hanoverian*  
Minister

Minister at the Imperial Court would not fail informing the Regency of his Country of it, we may suppose, without committing any Breach of Charity, that if any such Novelty had been, the *Hanoverian* Ministry would sound it loud enough.

To say more in order to destroy this last frivolous Objection, would be superfluous. It destroys itself on the very Face of it. Upon the whole, I can't but flatter myself that I have manifestly proved in the Course of these Observations, what I had in view when I undertook this Task, which was, that the Arrest of Marshal *Belleisle* in the Territories of *Hanover*, considering him as an Embassador from *France* to the Emperor, was a Violation of the most sacred Laws and Customs of the Empire, and of the Duty due from all the Members of the *Germanic* Body to the Emperor and Empire.

We shall now observe on another Point ; that is, whether Marshal *Belleisle*, considered as a Marshal of *France* and Prisoner of War, ought not to be exchanged or ransomed in Virtue of the *Cartel* subsisting between the *British* and *French* Nations, a Treaty entered into by the principal Ministers and by orders of the Sovereigns of both Kingdoms respectively, and for the Benefit and Utility of both reciprocally.

'Tis universally admitted that War, however sanguine and violent it be, ought not nor does not extinguish intirely the Sense of Humanity in the Parties at Enmity. The Laws of Humanity being imprinted in the Soul and antecedent to those of War, can never be effaced in the Mind of Man, let it be never so inflamed by Envy, Resentment, or Ambition. Nature having established mutual Intercourse and Society between Men, it is incumbent

bent upon them, and it is likewise a Maxim established and received among civilized Nations, to observe most Religiously all Conventions entered into by Princes for the mutual Benefit of their Subjects, such as *Truces, Cartels, Safeguards*, and the like †.

The strict Observation of such Conventions is so much the more necessary, that without it there would be no moral Possibility of ever establishing Peace, so desirable and coveted by Man, between two Nations at War ; wherefore it becomes indispensably the Interests of Princes and Nations, that no Breach be made in such Compacts as accelerate Peace, and render War less calamitous while it lasts.

It was this mutual Interest, so binding upon Nations, and upon all Sovereigns that look upon themselves as Fathers of their People, that must have induced his *Britannic* Majesty to give Orders for renewing the *Cartel* of 1743, between *England* and *France*. We see the first Advances of this Renewal come from *England*, and we see, as by the Letters in the Appendix, that my Lord *Granville*, the first and chief Minister and Favourite of his *Britannic* Majesty, was the Man that concludes the Renewal on the Part of his Royal Master and his Country. The Marshal *de Noailles* concludes it on the Part of *France* and his most Christian Majesty, who looks upon the Convention as inviolable from its own Nature and the Interest of his Subjects. This public, this national, and let me add, this useful and necessary Convention, *which mentions the Hanoverians as Auxiliaries only*, has had

† *Grotius*, vol. I. pag. 457.



its full Effect all the last Campaign, to the mutual Comfort and Benefit of the *English* and *French* Nations; and if it has not had the same hitherto during the present, let not the Fault be thrown in the Teeth of *France* or her Ministers or Generals, who scruple not to lay it where it should be, on the Ministry of *Hanover*, who, because they set out on false Principles, in arresting Marshal *Belleisle*, pursue the same Conduct rather than own an Error.

'Tis clearly perceivable, therefore, from the Renewal and Confirmation of the *Cartel*, that it has and ought to have all the Force and Weight which such Conventions ought to have in time of War; and it is no less visible and certain, that it had its Effect, and was thought obligatory on the Part of *England*, till the Arrest of Marshal *Belleisle*. But we find it otherwise on the Part of *Hanover*. For when it had been refused there to set the Marshal at Liberty, on the Demand of the late Emperor, as an Ambassador to him and the Empire from *France*, his Most Christian Majesty reclaimed him as Marshal of *France*, offering to pay his Ransom as such, in virtue of the *Cartel* actually subsisting between *England* and *France*. But what was the ingenuous equitable Answer given by the Regency of *Hanover*, to a Demand founded, as this was, on the Faith of a solemn Treaty? Why truly, *that there was no such Treaty then existing*. One don't know which to admire at most in this Answer, the Ignorance of these *Hanoverian* Statesmen, or their Double-dealing. But we should cease to wonder at any Incongruity of Men, who ignorantly, it may be said insolently, attempted to confound the Government of their——  
Electorate with that of the freest and powerfullest Kingdom

Kingdom in the World. And could we suppose that those weak Ministers knew what they were about when they made so invidious an Attempt, one must conclude that they would have reduced *Great Britain* to be a P——e to *Hanover*.

To consider the *Cartel* in the Light we are to suppose it was viewed by the *Hanoverian* Regency, we may believe that this, and all other solemn public Engagements, are no longer binding than they are useful. And yet, dangerous and injurious as such novel Doctrine may seem, a Man cannot help thinking it that which those *German Matchiavels* adhered to, if he reflects ever so slightly on their Conduct in regard to Marshal *Belleisle*.

In a Word, the Arrest of Marshal *Belleisle* has been either just or unjust. If *just*, he has a Right to his Liberty in virtue of the *Cartel*, on paying his Ransom; but if *unjust*, he ought not only to be set at Liberty without Ransom, but have Satisfaction and Reparation made him for so open a Violation, in his Person, of the Law of Nations. But whether his Arrest and Detention be *just* or *unjust*, one would think that the least Compliment could be paid to the Publick and to Justice, should be to publish the Reasons on which that Nobleman's Arrest and Detention are founded.

The hapless Fate of this *French* General recalls to my Mind that of another great Commander of his Country, in the fourteenth Century. Father † *Daniel*, in his History of *France*, relates the Matter thus. “The Black Prince, Son of King Edward III. of *England*, having taken the Constable of *France* Prisoner at the Battle of *Navarrette*, refused him the Benefit of Ransom, tho’ he

† Vol. III. pag. 474. Edit. in 12mo.

“ he allowed it to all the other *French* Officers of  
 “ Distinction taken at the same Time. The Prince,  
 “ continues the Author, sent for the Constable *Du*  
 “ *Guesclin*, and being come into his Presence,  
 “ asked him how he brooked his Confinement?  
 “ Extremely well, replied the Constable, I never  
 “ enjoy’d more Content of Mind. What can you  
 “ mean, said the Prince? how is it possible that one  
 “ of your high Stomach should be easy under Re-  
 “ straint? Because, Sir, replied *Du Guesclin*,  
 “ HONOUR being my Idol, I look upon my Con-  
 “ finement as the most glorious Thing could be-  
 “ fal me; well knowing that if your Highness had  
 “ not dreaded me, you would have admitted me,  
 “ as you have other Officers, to the Benefit of  
 “ Ransom. The gallant Prince, struck with the  
 “ Poignancy of the Expression, replied with  
 “ Warmth, *that he esteem’d, but did not fear him,*  
 “ and he might have his Liberty on paying a Ran-  
 “ som of a hundred thousand Crowns of Gold.  
 “ *Du Guesclin* took the Prince at his Word,  
 “ which, though advised to the contrary by his  
 “ Counsellors, he kept religiously. And the Con-  
 “ stable, being released upon his Parole, brought  
 “ the Money to *Bordeaux* soon after.”

Hence it evidently appears, that the *Generosity*  
 of that gallant Prince out-weighed all other Consi-  
 derations. But there is no less a Difference between  
 those Times and these, than between the Senti-  
 ments of the *Black Prince* and those of many of the  
 Princes of the present Age.





# APPENDIX.

*Copy of a Letter from the English Commissioners for the Sick and Wounded, and for the Exchange of Prisoners of War, to the Governor of Dunkirk, dated May 11, 1744.*

SIR,

**I**N virtue of the Orders we have received, we send you annexed a Detail of the Subsistence ordered by His Majesty for the *French* Prisoners here, and the Manner they are to be treated in all respects. And we think it necessary, at the same time, to acquaint you, that it is expected the like Subsistence and Treatment will be given to the *English* Prisoners in *France*. We are to inform you likewise, that Captain *Louis Gerand*, Commander of the Sea-horse, outward bound to *Martinico*, is now a Prisoner at *Plymouth*, having the Town for his Prison, on having given a hundred Pounds Security for his good Behaviour. And as this was done to shew a Disposition of rendering Confinement as easy as possible, we would willingly know, in what Manner, and under what Security, you would think it practicable to adjust Matters in regard to the Rank of Officers made Prisoners, that it might be considered and reduced to a fixt Agreement

ment for the mutual Benefit of both Nations. We  
are, Sir, your most humble and most obedient Ser-  
vants,

J. Bell.

Natb. Stills.

*A Detail of the Subsistence and Treatment of the  
French Prisoners in England.*

The Commissioned Officers in the actual Service  
of the Crown of *France*, have twelve Pence, or one  
Shilling Sterling a Day, allow'd them for Subsistence.

All other *French* Officers and Sailors are allowed  
Sixpence a Day, or the Value in Victuals.

The Sick or Wounded are sent to an Hospital,  
and treated in the same Manner that His Majesty's  
sick and wounded Officers and Seamen are. That  
is, a Shilling a Day is allowed for each, besides the  
Expence of Doctors, Surgeons, and Medicines.

In case of the Small Pox, Sixpence a Day more  
is allowed for the first twelve Days. And ten Shil-  
lings is allowed for the Burial of each that die.

Whenever a Prison happens to be too full, other  
Lodgings are allowed, for the greater Ease of the  
Prisoners, who are always allowed fresh Straw as  
often as 'tis thought necessary.

And whenever Prisoners are sent from one Town  
to another, 'tis always either by Land or Water  
Carriage, for their greater Ease.

*A Letter from the Marshal De Noailles to my Lord  
Carteret.*

*At the Camp before Ipres, June 16, 1744.*

SIR,

TO whom could I better address myself than to your Excellency, in order to shew with how great Pleasure I have perceived, by the Proposals come from the *English* Commissioners, concerning the Treatment to be given to Sea Officers and Sailors taken on both Sides, the same Spirit of Humanity and Generosity with which the War was carried on the last Campaign? I have no other Regret, but that my Country had not prevented yours on this Occasion. In reporting these Proposals to the King my Master, he instantly applauded the Generosity of them, and gave Orders that all *English* Prisoners taken at Sea, should be treated as the *French* were in *England*, whether taken by his Majesty's Ships of War, or by Privateers.

It is the Intention of the King my Master, to continue making War by Land in exact Conformity to the *Cartel* made last Year at *Frankfort*, notwithstanding the Indignity offered him by the Queen of *Hungary*, and her Breach of Faith in regard to the *French* Prisoners taken in *Bavaria* and *Bohemia*. I am charged, Sir, to learn from you what his *Britannic* Majesty's Intentions are on this Subject. And as I cannot doubt that he is disposed to support the Execution of a *Cartel* made by his own Orders, and under his Eye, I will suppose you will adjudge the Soldiers of the Regiment of *Loewendal* to be comprised in it, though taken at Sea, in their Passage



Passage to *France*. I beg, Sir, you will please to employ your good Offices with his *Britannic* Majesty, that Orders be given for transporting those Soldiers to *Calais*. And if we have more of your Seamen than you have of ours, these Soldiers may be exchanged for the Surplus; but should it happen otherwise, the Deficiency shall be supplied in Money, paid as their Ransom to the Treasurer of the *English* Troops in *Flanders*, or to any other you shall name. And, Sir, should it be necessary for us to send to *England* to treat of this Matter, you'll be pleased to send me a Passport for the Purpose.

I lay hold of the present Occasion of writing to your Excellency, for renewing myself in your Memory, and to desire the Continuance of those Sentiments of which you gave me such flattering Assurances the last Year, assuring you on my Side, that I merit them on account of the distinguished Consideration in which I hold you, being, &c.

*The Marshal, Duke de Noailles.*

*My Lord Carteret's Answer to Marshal de Noailles.*

*Whitehall, June  $\frac{1}{2}$ , 1744.*

SIR,

I Had Yesterday the Honour of your Excellency's Letter, dated at the Camp before *Ipres*, the 16th Instant, N. S. and of acquainting the King of his Most Christian Majesty's Sentiments concerning the Proposals of our Commissioners, as to the Treatment to be given on each Side to Sea Officers and Sailors taken in the Course of the present War, during which, there is no doubt but the Kings our Masters, as well as both Nations, will vye with each other

other in Sentiments of † GENEROSITY. His Most Christian Majesty's Intentions being entirely the same with those of the King my Master, his Majesty will willingly promote the Establishment of a Settlement conformable to the Proposal; and as Marshal *Wade* will have the King's Orders on the Subject, by this Courier, it will depend of his Most Christian Majesty's Pleasure to have this Affair settled in *Flanders*, which will prevent your Trouble of sending directly hither.

And as you say, Sir, that it is his Most Christian Majesty's Intention, with regard to the War by Land, to conform himself to the *Cartel* made at *Frankfort* last Year, *the King orders me to acquaint your Excellency, that his Majesty's Intention is the same*; and on this Footing there will be no Difficulty in regard to the Soldiers of the Regiment of || *Loewendal*, his Majesty consenting that they should be transported to *Calais*, and exchanged or ransom'd, as your Excellency proposes. Marshal *Wade* shall likewise know the King's Pleasure on this Subject; and his Majesty won't fail ratifying whatever he and your Excellency shall agree to.

It gives me, Sir, the most sensible Satisfaction, who have had, of a long Time, the most distinguished Regard for your Excellency, to find that you are pleased to give me the Honour of a Place in your Memory. I shall never be wanting in my Endeavours to merit your Esteem, and to let your Excellency know with how perfect Consideration and Respect I have the Honour to be, &c.

CARTERET.

† A notable Proof of which is the Detention of M. *Belleisle*.  
|| Tho' taken at Sea.

M. Wade's

*M. Wade's Letter to M. De Noailles.**From the Head Quarters at Berleghem, July 1, 1744*

Sir,

**I** Seize on this first Occasion of corresponding with your Excellency with equal Eagerness and Pleasure. It happens to be furnish'd by a Commission I am charged of sending you a Letter from my Lord *Carteret*, which I received this Morning. I am charm'd to find, by that Lord's Letter to me, the Sentiments of Generosity with which the Kings our Masters are disposed to carry on the War; A convincing Proof of which, on his Majesty's Side, is, that he consents to the Exchange of the Soldiers of *Loewendal's* Regiment, who are immediately to be sent to *Calais* by his Orders. I am further informed by the same Letter, *that the King, as well as his Most Christian Majesty, consents that the Cartel concluded at Frankfort should remain in Force, with regard to Prisoners taken on Land.* Your Excellency will please to observe, that the King my Master is resolved to treat the *French* Prisoners taken at Sea, in the same Manner as ours shall be treated among you. Nothing is more reasonable than a Parity of Conduct on those Occasions. And let me add, that I should think the Officers of the Admiralty on both Sides, would be the properest to manage an Affair of this Nature. But should your Excellency be disposed to undertake the Arrangement of Naval Affairs, I have the Honour to tell you that I am authorized to enter into a Negotiation with you on this Head when you will. Our *Cartel* with *Spain*, of which I have a Copy, will serve



serve as a Basis for that which we shall happen to settle, making suitable Alterations, according to the Directions I have received. I take this Opportunity of acquainting your Excellency, with how great Satisfaction I begin this present Commerce with you, flattering myself extremely, that it furnishes me the Means of giving you Proof of the Esteem I have for your Person, and of the Sentiments of the most perfect Consideration with which I have the Honour to be, &c.

*The Marshal WADE.*

*A Letter from M. de Noailles to my Lord Carteret.*

Dunkirk, July 3, 1744.

SIR,

I Have just received by a Trumpet from Marshal *Wade*, the Honour of your Excellency's Letter of the 23d of the last Month, N. S. I shall settle with Marshal *Wade* concerning the Exchange or Ransom of the Prisoners of *Lowendale's* Regiment. I shan't for some Days be able to join the King my Master, but the very first Information I shall give him will be of his *Britannic* Majesty's Intentions to have a *Cartel* settled relative to Prisoners taken at Sea, and the Facility with which he has been pleased to forward the Affair by sending his Powers to Marshal *Wade* for that End. I am persuaded, Sir, the Kings our Masters, and both Nations will vye with each other on these Occasions. But there will be no such glorious Competition between us and others, who neglect no Occasion of acting entirely opposite. Wherefore,  
Sir,

Sir, I have received your Letter with all the Pleasure of one, who is extremely glad to see an Increase of the Motives of his Veneration for the Person of the King your Master. I am too jealous of the Sentiments with which you honour me, not to be touched with what you tell me on the Subject. And however Circumstances may alter, I shall endeavour that nothing shall diminish the Share you have been pleased to afford me in your Esteem. I am sure, at all times, to make my Court to the King my Master, by conducting myself with Truth, Simplicity, and Justice. Nor is there any Incompatibility in my Fidelity and Zeal for his Majesty's Service, with what a gallant Man owes to others and himself. War is no Enemy to Esteem, and it is to be hoped that more happy Times will re-unite the Sweetness of Confidence and Friendship. I have the Honour to be, &c.

The M. de NOAILLES.

*A Letter from M. de Noailles to M. Wade.*

SIR,

Dunkirk, July 3. 1744.

I Am honoured and flattered by the Letter your Excellency has been pleased to write me. I remark, Sir, in the King your Master's Procedure and yours, all the Humanity and Generosity which I thought the *English* Nation so capable of, and which myself had experienced in the Course of the last Campaign. These generous Sentiments shall be equalled on our Side, and I dare assure you, *that we shan't follow the Example of those who are upon the Watch for Prettexts to elude the Faith*

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du

*due to Cartels and Capitulations.* As soon as the Prisoners of *Lowendale's* Regiment are arrived at *Calais*, I will send a Commissary of War to settle with whomsoever you shall send thither, concerning their Exchange or Ransom. I will acquaint the King my Master with what you write to me, relating to Prisoners taken at Sea. His Majesty has already explained himself in regard to his Design of treating all *English* Prisoners taken at Sea as the *French* Prisoners are treated in *England*. And for the future, I fancy that *M. de Maurepas*, Secretary of State for the Marine, who is soon expected here, will be ordered to correspond and treat with your Excellency on this Subject. I shan't end this Letter, Sir, without assuring you of my great Sensibility of your preventing me in Sentiments of Esteem. You will always find in me those of an old Soldier, who honours and esteems you, and who shall gladly seize all Occasions of convincing you of his Regard. The Length of Time of our exercising the Profession of Arms, is a reciprocal Pledge of that Frankness which ought to subsist between Soldiers, on which I reckon on your Part as you may entirely on mine. Allow me, Sir, to intreat you will forward my Answer to *M. Carteret*. I am, &c.

The M. de NOAILLES.



*A Letter from M. de Noailles to M. Wade.*

Dunkirk, July 12, 1744.

SIR,

I Only waited for the Arrival of the *Count de Maurepas*, Minister and Secretary of State for the Marine, who is just arrived, to have the Honour of writing to your Excellency concerning the *Cartel* to be settled for Prisoners taken at Sea. If you think it proper, Sir, to send me a Passport for *M. de Givry*, Commissary, Orderer of the Marine, who in that Quality enjoys among us the Rank of Rear-Admiral, he will wait on you to take a View of your *Cartel* with *Spain*, and to settle the Alterations to be made on both Sides. After having settled these Alterations, you may proceed to signing the *Cartel*, either by your naming some Officer whose Rank shall correspond with *M. de Givry's*, or by naming some General Officer of equal Rank with him you shall name, who, as they know nothing of Naval Affairs, shall have Orders to sign whatsoever shall be previously settled with *M. de Givry*. I shall conform myself on this Point, as it shall seem most agreeable to you. In the mean while, as I don't suppose there can be any Difficulty in exchanging *Man for Man* of equal Rank, orders shall be given, if you approve of it, for setting all at Liberty on both Sides, taking the necessary Receipts; and on the Receipt of your Answer, immediate Orders shall be given for enlarging and restoring to their Country and Families, all that are in *Dunkirk, Calais*, and in *Bretaign*.

There is another point relating to our Fishermen, who have represented their Case to me, which in

my Opinion, is an Object of Charity and Humanity. I should not have touch'd upon it, if the Sentiments which appear in my Lord *Carteret's* Letters and yours, did not give Room for presuming that there was a steady Resolution on both Sides of acting with Generosity. In the last War, the Admiralties of the Coasts of both Nations respectively, agreed that the Fishermen should be reciprocally free; and this sort of Convention was approved of by both Courts. But this Convention extended only to the Coasts of the Channel and *Flanders*, and particularly where Mackrel and Herrings are caught. The necessary Precautions were taken to prevent any kind of Armaments under Colour of that Convention, and for that Reason, it was particularly stipulated that Fishermen should carry no Arms. These good People have represented to me, that they have no means of subsisting their Families but by their Occupation of fishing. And in Reality, I can't see how an Act of Humanity redounding to the mutual Benefits of both Nations, should have any ill Consequence in regard to the general State of the War, unless that these Seamen, by being secluded from their Occupation of Fishing, might perhaps be obliged to follow another, much more injurious to the Merchants of both Nations. Should you judge of the Point as I do, it might be made an Article of the *Cartel* for the Sea Service; and I might even write about it to my Lord *Carteret*; should you not think yourself sufficiently authorised for the Purpose. I am, &c

M. de NOAILLES.

*A Letter from M. Wade to M. de Noailles.**From the Head Quarters at Berleghem, July 13, 1744.*

SIR,

I Have just now received the Letter your Excellency did me the Honour to write me ; and am extremely sensible of the Advantages procured me by means of the new *Cartel*, which we are to conclude for the mutual Benefit of our Seamen. Nothing could better demonstrate your Sentiments of Humanity than your compassionate Attention with regard to such of our Seamen as are now Prisoners in both Kingdoms. I consent most willingly to the Exchange you propose ; and on the Conditions mentioned in your Letter ; that is, *Man for Man* of the same Rank, for whom reciprocal Receipts shall be given, of which Account shall be kept. I shall dispatch a Courier to-morrow to my Lord *Carteret*, that Orders may be given for the Release and Transport of your Prisoners, as you do me the Honour to assure me that ours shall likewise be set at Liberty. The Bearer of this Letter will deliver you a Passport for M. *de Givry* ; and as I conceive that your Excellency wishes he might sign the *Cartel*, I shall name on my Part, a Brigadier, whose Rank, in my Opinion, corresponds with that of Rear-Admiral among you. I have likewise the Honour to tell your Excellency, that having the Power, I am ready to insert an Article in the *Cartel*, relating to Fishermen, on the Footing you propose. I shall always take a sensible Pleasure in following the Examples of Sincerity and Generosity you set me ; and shall eagerly lay hold of all Occasions of giving



giving you Proof of the Sentiments of Esteem and Consideration, with which I have the Honour to be, &c.

The Marshal WADE.

*A Letter from M. de Noailles to M. Wade.*

Dunkirk, July 16, 1744.

SIR,

ON receiving the Letter your Excellency did me the Honour to write me, M. de Maurepas has given Orders in the King's Name, for setting at Liberty all the *English* Prisoners taken at Sea, and for furnishing them with the Means of returning to their own Country. M. de Givry, who will wait of you in a few Days with a Letter from me, will inform you more minutely of these Orders. The King, my Master, whom I have acquainted with my Proposal to you, and the Answer you honoured me with concerning Fishermen, does approve that, which he thinks conformable to those Sentiments of Humanity due from all Kings, not only to their own Subjects but their Enemies likewise on all Occasions that admit of Compassion and Generosity. I shall not enter into a Detail concerning the *Cartel* relative to Seamen, M. de Givry being very capable of treating that Point, but I can't think it will admit of much Difficulty, since both Parties are disposed to set out on the Principles of Humanity and Sincerity. I pray the Marshal de Saxe, to whom I send this Letter for you, to order his Trumpet to pay to whom you shall order, the Sum of 175 *Livres*, being the Value of seventy *Florins* as Ransom for the Chevalier de Contalmaison, Captain

tain of Foot in the Regiment of *Laval*, lately *Montemart*, who had been taken Prisoner last Year at *Dettigen*, and set at Liberty on his Parolle. This Gentleman was not exchange'd because he happen'd not to be on the List given in on your Side. And as he ought not to take Advantage of the Mistake, either in Justice or Honour, I have ordered that he should not. But as this is a particular Transaction of the last Year, allow me to hope that this Gentleman may be discharged from his Parolle on the Payment of his Ransom, and that his Affair may have nothing to do with that of *Lowendale's* Soldiers.

As you know, Sir, that there is neither Certainty nor Stability in the Profession of Arms, should Chance or the King's Command remove me from this Frontier, they shall never efface from my Mind your generous Procedure in regard to me. Nor shall I ever omit wherever I am, giving your Excellency on all Occasions, the most distinguishing Proofs of my Wishing the Continuance of those Sentiments you did me the Honour to entertain of me. I beg you will be thoroughly persuaded of the Truth of those Sentiments with which I honour you, and of the perfect Consideration with which I am, &c.

The M. de NOAILLES.

*A Letter from M. de Noailles, to M. Wade.*

Dunkirk, July 18, 1744.

SIR,

THIS is only to serve as a Letter of Credence for M. de Givry, Commissary Orderer General of the Marine, who is Bearer of it to your Excellency.

lency. I have nothing to add, in regard to him or the Affair he is to treat of, to those Letters I had the Honour to write you on the Subject. As he is under the Direction of the Count *de Maurepas*, Minister and Secretary of State for the Marine; 'tis from him he is to receive for the Future all Orders and Instructions touching the *Cartel* for Seamen. I beg Leave to reiterate the Assurance of all the Sentiments with which I honour you, and of the Consideration with which I am, Sir, your Excellency's &c.

M. de NOAILLES.

*A Letter from Monsieur de Givry to M. de Noailles.*

Dunkirk, July 21, 1744.

My LORD,

THE Want of Post Horses prevented my setting out To-day; but being promised some To-morrow, shall go directly to *Ipres*, and know from M. *de Ceberet*, the safest Way of getting to Marshal *de Saxe's* Quarters. An *English* Prize has been brought in this Morning; but its Cargo, which is of Corn, is of small Value. The last Packet Boat arrived at *Calais*, brings Word from *Dover*, that there was Orders for embarking our Prisoners, and that they would arrive at *Calais* as this Day. I shall do myself the Honour to give you Advice of my Arrival at *Oudenarde*, and hope your Lordship will do me the Favour to send me thither a Passport for *Brussels*, whither I shall go in order to treat of the Freedom of Fishery, as soon as I shall have settled the *Cartel* with *England*. I am with the most profound Respect, my Lord, &c.

De GIVRY.



*A Letter from M. de Givry to M. de Noailles.*

Lille, August 30, 1744.

MY LORD,

I Received, the 21<sup>st</sup> Instant, at *Dunkirk*, a Letter from Marshal *Wade*, advising to have had fresh Orders and Observations from *London*, concerning the Project of a *Cartel* I left with him, and inviting me to the Abby of *Marquette*, or that of *Looz* near *Lille*, where I should meet with Persons to treat with me. I waited of Marshal *de Saxe* the 23<sup>d</sup>, and came hither the next Day. *M. de Cerberet* observed to me, that the two Abbies proposed to me, were important Posts which the Enemy ought not be permitted to reconnoitre; wherefore I wrote to Marshal *Wade*, that the first of the Abbies proposed by him being occupied by religious Dames, I should dread alarming them, and that the Second was too remote. I proposed the Castle of *Wattignies*, as the most convenient Situation, being midway between his Quarters and this Town, which being agreed to by that General, we met there last *Friday*. The Observations communicated to me by the Gentleman sent by Marshal *Wade* to confer with me, so effectually destroyed the Equality of the Proposals I had made, that I could conclude nothing, and the less that, as that Person told me, the Observations could not be altered or varied in the least, as they came directly from the Lords of the Admiralty. The most considerable Difference turns upon the Expence of the Passage of our Prisoners from *England* to *France*. They demand 68 *Livres* 5 *Sols* a Man from *Gibraltar* to *Marzeilles*, that

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which cost the King 10 *Livres* only all the last War. They ask likewise 46 *Livres* from *Leith* to *Calais*, which cost formerly but seven. I wrote on this Occasion to M. de *Maurepas* for fresh Orders, which I shall wait for here, in hopes that as the Face of our Master's Affairs on the *Rhine* is changed, your Lordship may be able to inspire such a Spirit of Reconciliation, as may produce something better than a *Cartel*. I am, my Lord, &c.

DE GIVRY.

*A Letter from M. de Givry to Marshal Wade.*

Lille, October 3, 1744.

SIR,

MR. *Hume* will have informed your Excellency, without doubt, of our fruitless Meeting last *Friday* at *Wattignies*, to settle a *Cartel* for the Exchange and Ransom of Seamen, and a Convention for the reciprocal Freedom of Fishermen. And yet I can't but think that it would not be difficult to adjust the Differences between us on certain Articles, and particularly the first, second, fifth, ninth, twelfth, and 13th; not doubting but your Excellency has full Power for the Purpose. But as for the seventh and eighth Articles, I see no Possibility of our being able to adjust them; because by losing Sight of the old Custom entirely, it is insisted that we pay 68 *Livres* 5 *Sols* from *Gibraltar* to *Marseilles*, 46 from *Leith* to *Calais*, & sic de cæteris. Mr. *Hume*, on my making this Objection, produced the *Cartel* with *Spain*, signed at *Paris*, *February* 23, 1742. But I was persuaded, that it would be more equitable for both Nations to agree to what was paid

paid during the Course of the last War: And upon this footing I offered to settle. As for the reciprocal Freedom of the Fishery on our Coasts, I confess to your Excellency, that I was astonished to receive a flat Denial. I should think, after what had passed between you and Marshal *de Noailles* on that Subject, the least that could be done would be to assign some Reasons for the Denial. It is to be wished, for the Release of Prisoners, and Ease of the Nations respectively, that Minds had been less irritated and inflamed. I do myself the Honour to send your Excellency the Copy of a new Project of a *Cartel*, which I beg Leave to propose. I send likewise Copy of that which I received from Mr. *Hume*, with my Observations upon it. I have the Honour to be, &c.

DE GIVRY.

*A Letter from M. de Givry to Marshal de Noailles.*

Lille, October 3, 1744.

MY LORD,

I Do myself the Honour to send you the Answer I received Yesterday from Marshal *Wade*, wherein he frankly owns his Court to be in Fault; and proposes my going thither, adding, to palliate the Proposal, that I myself had appeared to him willing to undertake the Voyage. The Expressions dropt in a Conversation, are seldom recollected with Certainty; but so far it is true, that in mine with the Marshal at *Berleghem*, where this Matter was mentioned, I should have said, that I perceived I must be obliged to take a Tour to *London*, in order to settle these Matters with the Lords of the Ad-



miralty; adding, that I would undertake the Voyage with Chearfulness, should I be commanded by my Court. In my Answer to that General, who merits as great Esteem as Consideration, by the Uprightness of his Procedure, I tell him, that after meeting so many Obstacles, when I had made so many Advances, it would seem reasonable for the Court of *London* first to shew some Desire of concluding; and that then I should apply for the necessary Orders. I don't pretend to measure myself as a Statesman with my Lord *Carteret*, but observing, that as we advance, they retire, and form fresh Obstacles, I thought it best to appear indifferent as to the Conclusion of this Affair. I am, &c.

DE GIVRY.

*A Letter from M. Wade to M. de Givry.*

*At the Castle of Anstan, October 2, 1744.*

SIR,

THE Trumpet has delivered the Papers you gave him for me; viz. 1. The Observations on the Project of a *Cartel*. 2. The Project of a particular Convention concerning the Fishery; and 3. The Proposals made in behalf of *France* annexed to those of *England*. I am to dispatch a Courier to *London*, by whom I shall send these Papers to my Lord *Carteret*.

I am mortify'd, Sir, that your Cares to settle a *Cartel* have not succeeded; and I could wish on Account of the Difficulties that attend this Affair, you would correspond directly with my Lord *Carteret* about it, which you may the easier do, as the

the Commerce of Letters is still open between both Kingdoms. I take this to be the quickest and most efficacious Means for bringing the Affair to a Conclusion.

As I am tied down by the Prescriptions of the Lords of the Admiralty, I am not at Liberty to alter Matters or obviate Difficulties; but at first I was given to understand that I should have a more discretionary Power; wherefore, Sir, I have as much Cause of Complaint as you of the Treatment I have met with on this Occasion. And that you may see with how great Reason I complain, pray read what my Lord Carteret wrote me on this Subject, the 12th of June last.

I send you herewith a Copy of my Answer to Marshal *de Noailles*, the Original of which please to send his Excellency without Delay by a Trumpet, acquainting him at the same Time, that you have the King's Orders for settling with him what regards the Prisoners taken at Sea. I send you inclosed Copy of a *Cartel* concluded with *Spain*, which his Majesty believes may serve as a Foundation, *mutatis mutandis*, for that which you are authorised by this Letter to settle with Marshal *de Noailles*, between *England* and *France*. I am, &c.

After having given me such Powers, the Minister has thought fit to withdraw them, by tying up my Hands as you have seen. Therefore, Sir, you see whence proceed the Delays and Difficulties, which I would have surmounted, if I had been the Master. It having appeared to me, Sir, while you were at *Berlegbem*, that you yourself was inclined to

to go to *England*, in order to conclude this Affair, I could wish for the Satisfaction of all Parties, you would undertake the Voyage, and make the Proposal to your Court. But should you cross the Sea, I should be very sorry it would be when my Absence from *London* prevented my rendering your Abode there agreeable, and assuring you how perfectly I am, &c.

The Marshal WADE,

*A Letter from M. de Givry to M. de Noailles.*

Lille, October 6, 1744.

My LORD,

I Have the Honour to send you a fresh Answer from Marshal *Wade*. He persists in his Resolution of discharging himself of the Negotiation concerning the *Cartel*. But as a Man should have a Diffidence of an Enemy, I should suspect, that my Lord *Carteret*, by starting so many Difficulties, might encourage my Voyage to *London*, with a View of awaking the Jealousy of the King's Allies. I am, &c.

De GIVRY.

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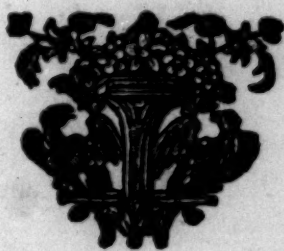
*A Letter from Marshal Wade to M. de Givry.**From the Castle of Anstain, October 5, 1744.*

SIR,

I Can't help repeating what I told you in my last, of being extremely mortified that all your Cares to settle a *Cartel*, were fruitless. As Things are at present, I can only add, that I shall this Day acquaint my Lord *Carteret* where you may be directed to, that the Lords of the Admiralty may correspond with you on the Subject of the *Cartel*, if they wish to renew the Negotiation. I am, &c.

The Marshal WADE.

F I N I S.



Received of [illegible] [illegible]  
 [illegible] [illegible]

*[Handwritten signature]*

Attest, [illegible] [illegible]

From the Office of [illegible] [illegible]

I can't help repeating what I told you in my  
 letter of being extremely mortified at all your  
 care to take a [illegible] [illegible] [illegible]  
 as a [illegible] I can only add that I shall  
 be [illegible] my [illegible] [illegible]  
 directed to the [illegible] [illegible]  
 [illegible] of the [illegible] [illegible]  
 [illegible] [illegible] [illegible]



The Marshal Ward.

FINIS



